

## **REMARKS**

Claims 1-3 and 5 are currently pending in the present application. In the Office Action, Claims 1-3 and 5 have again been rejected under 35 U.S.C. §102(a) as being anticipated by European Patent Application Publication No. EP 1039 768 A2 (Sim).

Please cancel Claims 3 and 5 without prejudice. Please amend Claim 1 as set forth herein. No new matter has been added.

Claim 1 has been amended to include the recitations of, receiving the transmitted SMS message having data of the image file and the header information in the receiving mobile phone having memory for storing image files; outputting an alarm and displaying a predetermined icon for SMS message having data of the image file if the header information indicates the image message, and temporarily storing the image file in the memory; and permanently storing the image file after assigning it a name in accordance with a receiving user request.

If the header indicates an image message, the MPU alerts the user of an incoming image message by sounding an alarm and displays a predetermined icon on the display. The MPU temporarily stores the image file data of the image message in the flash RAM. Further, when a user receives a message, the user can recognize whether the message is the usual message or the image message.

As Sim does not disclose at least the above elements of amended Claim 1, withdrawal of the rejection is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 2, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1 and 2, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr